

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1791/P4dn
ARG:lmk:nwn

July 13, 2007

ATTN: Christian Moran

I encountered some complications in preparing this draft. I created s. 343.44 (2) (ar) 5. to try to straighten out the potential overlapping penalties that might apply if a person has OAR prior offenses and causes great bodily harm or death. A similar situation might occur with respect to OWL violations. However, for OWL violations, there is no easy or logical way to straighten out these overlapping penalties. If a person has prior OWL offenses and causes great bodily harm, should the court apply the higher monetary amounts established as civil forfeitures under this bill or the criminal penalties that include lower monetary amounts and jail time under current s. 343.05 (5) (b) 1.?

As discussed, the attached draft does not consider prior offenses in establishing the penalties for persons who commit knowing OWS, OWL, or OAR violations.

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